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9 Attorneys for the United States

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

14 UNITED STATES OF AMERICA,)
 15 Plaintiff,)
 16 v.)
 17 JAMES WATSON,)
 18 Defendant.)
 19

CRIMINAL NO. 4-11-70688

20 NOTICE OF PROCEEDINGS ON
 21 OUT-OF-DISTRICT SUPERVISED
 22 RELEASE VIOLATION PURSUANT
 23 TO RULES 5(a)(2)(B) AND 32.1 OF
 24 THE FEDERAL RULES OF
 25 CRIMINAL PROCEDURE

26 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal
 27 Procedure that on June 21, 2011, the above-named defendant was arrested based upon an arrest
 28 warrant (copy attached) issued upon an

29
 30 Indictment
 31 Information
 32 Criminal Complaint
 33 Other (describe) _____

34 pending in the Middle District of Tennessee, Case Number 3:10-00171.

35 In that Indictment (copy attached), the defendant is charged with violations of Title 18,
 36 United States Code, Sections 371, 1028A, 1029(a)(2), and 1029(a)(3).

FILED

JUN 22 2011

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

Notice

1 Description of Charges: Conspiracy to commit access device fraud, aggravated identity theft, and
2 access device fraud.

3 Penalties:

4 18 U.S.C. § 371 - 5 years imprisonment, 3 years supervised release, \$250,000 fine and \$100
5 special assessment.

6 18 U.S.C. § 1028A - 2 years imprisonment, 3 years supervised release, \$250,000 fine and \$100
7 special assessment.

8 18 U.S.C. § 1029(a)(2) - 10 years imprisonment, 5 years supervised release, \$250,000 fine and
9 \$100 special assessment.

10 18 U.S.C. § 1029(a)(3) - 10 years imprisonment, 5 years supervised release, \$250,000 fine and
11 \$100 special assessment.

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14 Respectfully Submitted,

15 MELINDA HAAG
16 United States Attorney



17 Date: June 22, 2011
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28

GARTH HIRE
Assistant U.S. Attorney

JUN-25-2010 15:30

USM NASHVILLE

6157365322

P.07

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

James Watson

Case No. 3:10-00171-06 Judge Campbell

Defendant

)

)

)

)

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) James Watson
 who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18:371 Conspiracy to commit access device fraud (Count 1)
 18:1029(a)(2) and 18:2 Access device fraud (Count 2)
 18:1029(a)(3) and 18:2 Access device fraud (Count 3)
 18:1028A and 18:2 Aggravated identity theft (Count 4)

Date: 06/23/2010

City and state: Nashville, Tennessee


 Ann E. Schwarz, Criminal Docketing Supervisor
 Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date)
 at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

USMS MDTW JUN25 10 AM

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

JUN 23 2010

Geo
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

[1] DAVID CLAY LYLES, JR.

[2] AISHA GARRISON

[3] DEVIN LEVERETT, SR.

[4] JAMES JOHNSON, JR.

[5] SYLVESTER KNIGHT, JR.

[6] JAMES WATSON

NO. 3:10-00171

18 U.S.C. § 2
18 U.S.C. § 371
18 U.S.C. § 1028A
18 U.S.C. § 1029(a)(2)
18 U.S.C. § 1029(a)(3)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From on or about February 1, 2010 through on or about February 3, 2010, in the Middle District of Tennessee and elsewhere, [1] DAVID CLAY LYLES, JR., [2] AISHA GARRISON, [3] DEVIN LEVERETT, SR., [4] JAMES JOHNSON, JR., [5] SYLVESTER KNIGHT, JR., and [6] JAMES WATSON did willfully, knowingly and unlawfully combine, conspire, confederate, and agree with each other, to commit certain offenses against the United States, including the following:

(a) To knowingly and with intent to defraud use one or more unauthorized access devices during any one-year period and by such conduct obtained anything of value aggregating \$1,000 or more during that period, such offense affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(2); and

(b) To knowingly and with intent to defraud possess fifteen or more unauthorized access devices, such offense affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(3).

Manner and Means

2. It was a part of this conspiracy and the manner and means by which the conspiracy was sought to be accomplished that:

(a) On or about February 1, 2010, DAVID CLAY LYLES, JR., AISHA GARRISON, DEVIN LEVERETT, SR., JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., and JAMES WATSON traveled on a commercial airline flight originating from San Francisco, California to Nashville, Tennessee.

(b) On or about February 1, 2010, AISHA GARRISON used her own genuine Citibank debit card to pay for the rental of a Chevrolet Suburban from Enterprise Rental Car International.

(c) Between on or about February 1, 2010 and on or about February 3, 2010, DAVID CLAY LYLES, JR., AISHA GARRISON, DEVIN LEVERETT, SR., JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., and JAMES WATSON visited thirteen Wal-Mart stores in and around Nashville, Tennessee and at those Wal-Mart stores purchased a total of approximately 399 Wal-Mart

gift cards for approximately \$100 each for a total of approximately \$39,900 and purchased approximately 227 Visa Green Dot gift cards for approximately \$100 each for a total of approximately \$21,519 using approximately 192 stolen credit card or debit card account numbers that they did not have permission to use.

(d) On or about February 3, 2010, DAVID CLAY LYLES, JR., AISHA GARRISON, DEVIN LEVERETT, SR., JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., and JAMES WATSON returned to the Metropolitan Nashville International Airport with reservations on a Southwest Airlines flight bound for Los Angeles, California and with connecting reservations on a Southwest Airlines flight bound for San Francisco, California.

(e) On or about February 3, 2010, an airport Transportation Security Administration screener conducted a routine x-ray scan of the luggage belonging to airline passenger JAMES WATSON and noticed an elevated level of a metallic substance inside the luggage. The Transportation Security Administration screener then conducted a secondary search of that luggage and found that it contained approximately 512 Wal-Mart gift cards. JAMES WATSON fled the airport upon the discovery of the gift cards inside his luggage and the Transportation Security Administration screener alerted law enforcement officials at the airport.

(f) Law enforcement officials discovered that five other passengers, DAVID CLAY LYLES, JR., AISHA GARRISON, DEVIN LEVERETT, SR., JAMES JOHNSON, JR., and SYLVESTER KNIGHT, JR., were traveling under the same ticket payment information as was JAMES WATSON.

(g) Law enforcement officials used a card reading device to examine the information encoded on the magnetic strips on the back of each of the 512 Wal-Mart gift cards seized from the

luggage of JAMES WATSON and found that the magnetic strips on the backs of approximately 86 of those gift cards were encoded with card account numbers that did not match the card account numbers embossed on the fronts of those gift cards.

(h) A search of SYLVESTER KNIGHT, JR.'s person revealed that he was carrying approximately twenty-four Wal-Mart gift cards and six Visa Green Dot gift cards.

(i) JAMES JOHNSON, JR. was interviewed by law enforcement officials and falsely stated that he had no knowledge of DAVID CLAY LYLES, JR., AISHA GARRISON, DEVIN LEVERETT, SR., SYLVESTER KNIGHT, JR., or JAMES WATSON. A search of JAMES JOHNSON, JR.'s person revealed that he was carrying approximately thirty Wal-Mart gift cards, approximately eight Visa Green Dot gift cards, one Western Union Money Wise Visa Card and one All Access Visa Card both bearing the name of "James Johnson," but both with magnetic strips that were encoded with credit card account numbers that did not match the card number embossed on the front of those cards. A search of JAMES JOHNSON, JR.'s checked luggage revealed that it contained approximately eighty-four Wal-Mart gift cards.

(j) DEVIN LEVERETT, SR. was interviewed by law enforcement officials and falsely stated that he did not know DAVID CLAY LYLES, JR., AISHA GARRISON, JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., or JAMES WATSON. When shown a Wal-Mart surveillance photograph depicting his likeness, DEVIN LEVERETT, SR. falsely stated "that's not me and you guys did not find any cards on me, did you?" A search of DEVIN LEVERETT, SR.'s person revealed that he was carrying five Wal-Mart gift cards and four Visa Green Dot gift cards.

(k) AISHA GARRISON was interviewed by law enforcement officials and stated she traveled to Nashville from Phoenix, Arizona with her boyfriend, "David Lyles," on Monday,

February 1, 2010 via Southwest Airlines. AISHA GARRISON first falsely stated that she did not know DEVIN LEVERETT, SR., JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., or JAMES WATSON. AISHA GARRISON subsequently stated that she and DAVID CLAY LYLES, JR., were traveling with DEVIN LEVERETT, SR., JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., and JAMES WATSON.

(1) A search of the checked luggage of JAMES WATSON revealed that it contained approximately six MasterCard gift cards and 885 Visa Green Dot gift cards, all of which had account numbers on the magnetic strips that did not match the account numbers embossed on the faces of the cards.

(m) Of a total of approximately 1,610 gift cards found in the possession of the defendants, approximately 977 had magnetic strips encoded with credit card or debit card account numbers that did not match the account numbers embossed on the front of the gift cards.

Overt Acts

3. In furtherance of this conspiracy, and to effect the objects and purposes thereof, various overt acts were committed by DAVID CLAY LYLES, JR., AISHA GARRISON, DEVIN LEVERETT, SR., JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., and JAMES WATSON, within the Middle District of Tennessee and elsewhere, including but not limited to the following:

(1) At some time prior to February 1, 2010, the defendants obtained approximately 977 credit card and debit card account numbers that they were not authorized to use;

(2) On or about February 1, 2010, the defendants traveled to the State of Tennessee from the State of California in order to use the credit card and debit card account numbers that they were not authorized to use to fraudulently purchase Wal-Mart gift cards, Visa Green Dot gift cards and other merchandise;

Acts committed at Wal-Mart #272 in Franklin, Tennessee

(3) On or about February 2, 2010, JAMES JOHNSON, JR. purchased eight Visa Green Dot gift cards and ten Wal-Mart gift cards for a total of \$2,904.33 using seven Visa issued credit card account numbers;

(4) On or about February 2, 2010, AISHA GARRISON purchased merchandise and ten Visa Green Dot gift cards for a total of \$1,060.81 using three Visa issued credit card account numbers.

Acts committed at Wal-Mart #406 in Smyrna, Tennessee

(5) On or about February 2, 2010, JAMES JOHNSON, JR. purchased nine Wal-Mart gift cards for a total of \$900.00, using three Visa issued credit card account numbers;

(6) On or about February 2, 2010, DEVIN LEVERETT, SR. purchased nine Visa Green Dot gift cards for a total of \$948.96 using a Visa issued credit card number and a MasterCard credit card number;

(7) On or about February 2, 2010, AISHA GARRISON purchased ten Visa Green Dot gift cards for a total of \$1,054.40 using three Visa issued credit card account numbers;

Acts committed at Wal-Mart #659 on Charlotte Pike in Nashville, Tennessee

(8) On or about February 2, 2010, SYLVESTER KNIGHT, JR. purchased eight Wal-Mart gift cards for a total of \$800.00 using one Visa issued credit card number;

(9) On or about February 2, 2010, JAMES JOHNSON, JR. purchased ten Wal-Mart gift cards and one Visa Green Dot gift card for a total of \$960.70 using two Visa issued credit card account numbers;

(10) On or about February 2, 2010, DEVIN LEVERETT, SR. purchased five Wal-Mart gift cards for a total of \$500.00 using one Visa issued credit card number;

(11) On or about February 2, 2010, AISHA GARRISON purchased twelve Wal-Mart gift cards for a total of \$1,313.52 using three Visa issued credit card account numbers;

Acts committed at Wal-Mart #671 in Lebanon, Tennessee

(12) On or about February 2, 2010, SYLVESTER KNIGHT, JR. purchased five Visa Green Dot gift cards for a total of \$475.70 using two Visa card account numbers;

(13) On or about February 2, 2010, JAMES JOHNSON, JR. purchased ten Wal-Mart gift cards and two Visa Green Dot gift cards for a total of \$1,215.25 using one Visa card number;

(14) On or about February 2, 2010, AISHA GARRISON purchased ten Visa Green Dot gift cards for a total of \$1,118.86 using one Visa card number;

(15) On or about February 2, 2010, DAVID CLAY LYLES, JR. purchased clothing for a total of \$66.64 using one MasterCard account number;

Acts committed at Wal-Mart #674 in Gallatin, Tennessee

(16) On or about February 2, 2010, JAMES JOHNSON, JR. purchased nineteen Wal-Mart gift cards for a total of \$1,147.55 using seven Visa card account numbers;

(17) On or about February 2, 2010, DEVIN LEVERETT, SR. purchased eight Wal-Mart gift cards for a total of \$800.00 using two Visa card account numbers;

(18) On or about February 2, 2010, AISHA GARRISON purchased ten Wal-Mart gift cards for a total of \$1,000.00 using two Visa card account numbers;

Acts committed at Wal-Mart #682 in Murfreesboro, Tennessee

(19) On or about February 2, 2010, SYLVESTER KNIGHT, JR. purchased nine Visa Green Dot gift cards for a total of \$948.96 using four Visa card account numbers;

(20) On or about February 2, 2010, JAMES JOHNSON, JR. purchased two Wal-Mart gift cards for a total of \$204.09 using two Visa card account numbers;

(21) On or about February 2, 2010, DEVIN LEVERETT, SR. purchased seven Visa Green Dot gift cards for a total of \$738.08 using two Visa card account numbers;

(22) On or about February 2, 2010, AISHA GARRISON, purchased ten Visa Green Dot gift cards for a total of \$1,050.71 using five Visa card account numbers;

Acts committed at Wal-Mart #1376 in Hendersonville, Tennessee

(23) On or about February 1, 2010, SYLVESTER KNIGHT, JR. purchased eight Visa Green Dot gift cards for a total of \$843.52 using six Visa card account numbers;

(24) On or about February 1, 2010, JAMES JOHNSON, JR. purchased four Visa Green Dot gift cards and six Wal-Mart gift cards for a total of \$1,021.78 using three Visa card account numbers;

(25) On or about February 1, 2010, JAMES WATSON purchased two Wal-Mart gift cards for a total of \$203.76 using one Visa card number;

(26) On or about February 1, 2010, DEVIN LEVERETT, SR. purchased six Visa Green Dot gift cards for a total of \$654.49 using two Visa card account numbers and one MasterCard card number;

(27) On or about February 1, 2010, AISHA GARRISON purchased ten Visa Green Dot gift cards for a total of \$1,054.40 using three Visa card account numbers;

Acts committed at Wal-Mart #3717 on Nolensville Pike in Nashville, Tennessee:

(28) On or about February 1, 2010, JAMES JOHNSON, JR. purchased eight Wal-Mart gift cards for a total of \$805.46 using five Visa card account numbers;

(29) On or about February 1, 2010, DEVIN LEVERETT, SR. purchased seven Wal-Mart gift cards for a total of \$740.98 using two Visa card account numbers;

(30) On or about February 1, 2010, AISHA GARRISON purchased nine Visa Green Dot gift cards and one Wal-Mart gift card for a total of \$1,066.25 using three Visa card account numbers;

Acts committed at Wal-Mart #5057 in Murfreesboro, Tennessee

(31) On or about February 2, 2010, SYLVESTER KNIGHT, JR. purchased nine Wal-Mart gift cards for a total of \$918.35 using four Visa card account numbers;

(32) On or about February 2, 2010, DEVIN LEVERETT, SR. purchased four Wal-Mart gift cards for a total of \$401.40 using two Visa card account numbers;

(33) On or about February 2, 2010, AISHA GARRISON purchased ten Wal-Mart gift cards for a total of \$1,009.16 using two Visa card account numbers;

Acts committed at Wal-Mart #5058 in Antioch, Tennessee

(34) On or about February 2, 2010, SYLVESTER KNIGHT, JR. purchased eight Wal-Mart gift cards for a total of \$800.00 using one Visa card number;

(35) On or about February 1, 2010, JAMES JOHNSON, JR. purchased eleven Wal-Mart gift cards for a total of \$1,100.00 using three Visa card account numbers;

(36) On or about February 1, 2010, DEVIN LEVERETT, SR. purchased eight Wal-Mart gift cards for a total of \$800.00 using one MasterCard card number;

(37) On or about February 2, 2010, AISHA GARRISON purchased nine Wal-Mart gift cards for a total of \$900.00 using one Visa card number;

Acts committed at Wal-Mart #688 in Nolensville, Tennessee

(38) On or about February 2, 2010, SYLVESTER KNIGHT, JR. purchased eight Wal-Mart gift cards for a total of \$800.00 using six Visa card account numbers;

(39) On or about February 1, 2010, JAMES JOHNSON, JR. purchased three Visa Green Dot gift cards and two Wal-Mart gift cards for a total of \$526.16 using one Visa card account number;

(40) On or about February 1, 2010, DEVIN LEVERETT, SR. purchased three Wal-Mart gift cards for a total of \$300.00 using two Visa card account numbers;

(41) On or about February 1, 2010 and February 2, 2010, AISHA GARRISON purchased a total of twelve Wal-Mart gift cards and three Visa Green Dot gift cards for a total of \$566.37 using three MasterCard issued credit card account numbers and one Visa issued credit card account numbers;

(42) On or about February 1, 2010, AISHA GARRISON purchased merchandise for a total of \$50.05 using one MasterCard card number;

(43) On or about February 3, 2010, DAVID CLAY LYLES, JR. purchased a total of one pair of boots for a total of \$30.04 using one Bank of America issued MasterCard account number;

Acts committed at Wal-Mart #695 at Rivergate in Nashville, Tennessee

(44) On or about February 1, 2010, SYLVESTER KNIGHT, JR. purchased eight Wal-Mart gift cards for a total of \$801.09 using five Visa card account numbers;

(45) On or about February 1, 2010, JAMES JOHNSON, JR. purchased eight Wal-Mart gift cards for a total of \$875.32 using two Visa issued credit card account numbers;

(46) On or about February 1, 2010, DEVIN LEVERETT, SR. purchased eight Wal-Mart gift cards for a total of \$814.20 using two Visa issued credit card account numbers and one MasterCard issued credit card number;

(47) On or about February 1, 2010, AISHA GARRISON purchased ten Wal-Mart gift cards for a total of \$1,037.15 using three Visa issued credit card account numbers;

Acts committed at Wal-Mart #710 in the Hermitage area of Nashville, Tennessee

(48) On or about February 2, 2010 and on or about February 3, 2010, SYLVESTER KNIGHT, JR. purchased a total of fifteen Wal-Mart gift cards for a total of \$1,581.60 using twelve Visa issued credit card account numbers;

(49) On or about February 2, 2010 and on or about February 3, 2010, JAMES JOHNSON, JR. purchased a total of twenty-two Wal-Mart gift cards for a total of \$2,225.64 using three Visa card account numbers;

(50) On or about February 2, 2010 and on or about February 3, 2010, DAVID LEVERETT, SR. purchased a total of ten Visa Green Dot gift cards for a total of \$1,054.40 using three Visa issued credit card account numbers and one American Express issued credit card number; and

(51) On or about February 3, 2010, AISHA GARRISON purchased ten Visa Green Dot gift cards for a total of \$1,058.63 using four Visa card account numbers.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

The grand jury realleges and incorporates herein by reference the allegations contained in Count One of this indictment.

Between on or about February 1, 2010 and on or about February 3, 2010, in the Middle District of Tennessee and elsewhere, [1] DAVID CLAY LYLES, JR., [2] AISHA GARRISON, [3] DEVIN LEVERETT, SR., [4] JAMES JOHNSON, JR., [5] SYLVESTER KNIGHT, JR., and [6] JAMES WATSON, aided, abetted, counseled and induced by each other, knowingly and with intent to defraud, used unauthorized access devices, that is, approximately 977 stolen credit card and debit card account numbers and credit card and debit card account numbers obtained with intent to defraud, and by such conduct obtained money and property of a value aggregating \$1,000 or more during a one-year period, that is, during the time period set forth above, DAVID CLAY LYLES, JR., AISHA GARRISON, DEVIN LEVERETT, SR., JAMES JOHNSON, JR., SYLVESTER KNIGHT, JR., and JAMES WATSON used unauthorized access devices to obtain approximately 399 Wal-Mart gift cards and 227 Visa Green Dot gift cards for approximately \$100 each, and other merchandise, having a total value of approximately \$61,419, and such use of unauthorized access devices affected interstate commerce, in that the unauthorized access devices were transported across state lines and were used by the defendants at Wal-Mart stores that were engaged in interstate commerce.

In violation of Title 18, United States Code, Sections 2 and 1029(a)(2).

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

The grand jury realleges and incorporates herein by reference the allegations contained in Count One of this indictment:

On or about February 3, 2010, in the Middle District of Tennessee and elsewhere, [1] **DAVID CLAY LYLES, JR.**, [2] **AISHA GARRISON**, [3] **DEVIN LEVERETT, SR.**, [4] **JAMES JOHNSON, JR.**, [5] **SYLVESTER KNIGHT, JR.**, and [6] **JAMES WATSON**, aided, abetted, counseled and induced by each other, knowingly and with intent to defraud, possessed fifteen or more unauthorized access devices, that is, approximately 977 stolen credit card and debit card account numbers and credit card and debit card account numbers obtained with intent to defraud, and such possession of unauthorized access devices affected interstate commerce, in that the unauthorized access devices had been transported across state lines and were used by the defendants at Wal-Mart stores that were engaged in interstate commerce.

In violation of Title 18, United States Code, Sections 2 and 1029(a)(3).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES:

The grand jury realleges and incorporates herein by reference the allegations contained in Count One of this indictment.

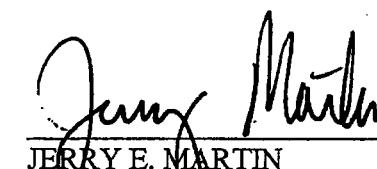
Between on or about February 1, 2010 and on or about February 3, 2010, in the Middle District of Tennessee and elsewhere, [1] **DAVID CLAY LYLES, JR.**, [2] **AISHA GARRISON**, [3] **DEVIN LEVERETT, SR.**, [4] **JAMES JOHNSON, JR.**, [5] **SYLVESTER KNIGHT, JR.**,

and [6] JAMES WATSON, aided, abetted, counseled and induced by each other, did knowingly possess and use, without lawful authority, means of identification of other persons, to wit, the credit card and debit card account numbers for approximately 977 persons, during and in relation to a felony violation of Title 18, United States Code, Section 1029(a)(2), to wit, using unauthorized access devices.

All in violation of Title 18, United States Code, Sections 1028A and 2.

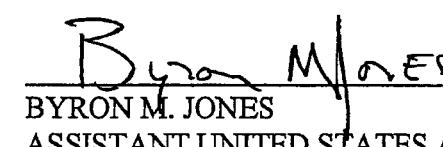
A TRUE BILL


[REDACTED]
FOREPERSON



JERRY E. MARTIN

UNITED STATES ATTORNEY



BYRON M. JONES
ASSISTANT UNITED STATES ATTORNEY